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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/687,059	10/15/2003	Linda Woodward	LCWO-1-1001	8918

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EXAMINER

CONLEY, FREDRICK C

ART UNIT PAPER NUMBER

3673

DATE MAILED: 06/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/687,059	Applicant(s) WOODWARD ET AL.	
	Examiner Fredrick C Conley	Art Unit 3673	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>10/15/03</u> . | 6) <input type="checkbox"/> Other: _____ |

Drawings

The drawings are objected to under 37 CFR 1.83(a) because they fail to show the strap 130 as described in the specification on page 5. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

The disclosure is objected to because of the following informalities: The Applicant recites "changing mat 110" pg. 4 line 11 and "additional pockets 132" pg 5 line 30".

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 17-20 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Pat. No. 4,068,786 to Taniguchi.

Claim 17, Taniguchi discloses a method of changing diapers, comprising:
providing a bag member (col. 3 lines 7-14) that partially encloses an interior region 3, the bag member including an outer surface;
deploying a changing mat 6 operatively coupled to the outer surface into an open position to provide an elongated changing surface without modification of the bag member (fig. 2);
positioning a wearer of a diaper on the changing surface (fig. 7);
installing a diaper on the wearer; and

redeploying the changing mat into a closed position proximate the outer surface wherein the changing mat occupies a stowed position external to the bag member and without modification of the bag member (fig. 3).

18. The method of Claim 17, further comprising securing a first attachment device 7 on the changing mat with a second attachment device 7' on the outer surface when the changing mat is in the stowed position.

Claim 19, further comprising removing a previously-installed diaper from the wearer (col. 3 lines 34-39).

Claim 20, wherein deploying a changing mat includes deploying a changing mat having a compartment-less surface.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-6 and 8-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 4,068,786 to Taniguchi in view of U.S. Pat. No. 5,649,658 to Hoffman.

Claim 1, Taniguchi discloses a diaper changing assembly, comprising:

a bag member (col. 3 lines 7-14) partially enclosing an interior region 3 and forming an access opening leading thereto, the bag member including an outer surface having at least one first securing member 7' formed thereon; and

a changing mat 6 operatively coupled to the outer surface and having at least one second securing member 7 formed thereon. Taniguchi fails to disclose the changing mat being foldable into a plurality of portions. Hoffman discloses a diaper changing assembly having a changing mat 110 being foldable into a plurality of portions. It would have been obvious to one having ordinary skill in the art at the time of the invention to employ a changing mat being foldable into a plurality of portions as taught by Hoffman in order to provide a larger diaper changing station.

Claim 2, wherein the bag member includes first and second side panels (1,1') and a handle 13 coupled to at least one of the first and second panels.

Claim 3, wherein the bag member includes a storage compartment 8 coupled to the outer surface (Taniguchi).

Claim 4, Taniguchi fails to disclose the bag member including a substantially rectangular member having first and second side panels, opposing end panels, and a bottom panel. Hoffman discloses a bag member 10 including a substantially rectangular member having first and second side panels, opposing end panels, and a bottom panel (col. 2 lines 62-65). It would have been obvious to one having ordinary skill in the art at the time of the invention to employ a bag member including a substantially rectangular member as taught by Hoffman in order to provide a backpack.

Claims 5, Taniguchi fails to disclose the changing mat removably coupled to the bag member. Hoffman discloses the changing mat removably coupled to the bag member (col. 4 lines 36-44). It would have been obvious to one having ordinary skill in the art at the time of the invention to have the mat of Taniguchi removably coupled to the bag as taught by Hoffman in order to easily clean the mat.

With regards to claim 6, Taniguchi discloses the claimed invention except for using a zipper. It would have been an obvious to employ a zipper, since Applicant has not disclosed that a zipper is critical and it would appear that the fastener taught by Hoffman of would perform equally well.

Claim 8, wherein the changing mat includes a compartment-less exterior surface.

Claims 9-10, Taniguchi fails to disclose the changing mat including an inner layer of padding material/pillow member substantially surrounded by an outer, durable layer. Hoffman discloses the changing mat including an inner layer of padding material substantially surrounded by an outer, durable layer (col. 2 lines 15-18). It would have been obvious to one having ordinary skill in the art at the time of the invention to employ a changing mat as taught by Hoffman with the changing assembly of Taniguchi in order to provide a comfortable changing pad.

Claim 11, Taniguchi discloses a diaper changing assembly, comprising:

a bag member (col. 3 lines 7-14) having at least two side panels that substantially enclose an interior region and at least partially form an access opening leading thereto, the bag member including an outer surface having at least one first securing member 7' formed on one of the side panels; and

a changing mat 6 removably coupled to the outer surface of the one of the side panels, the changing mat having a compartment-less exterior surface and having at least one second securing member 7 formed thereon and engageable with the first securing member. Taniguchi fails to disclose the changing mat being foldable into a plurality of portions. Hoffman discloses a diaper changing assembly having a changing mat 110 being foldable into a plurality of portions. It would have been obvious to one having ordinary skill in the art at the time of the invention to employ a changing mat being foldable into a plurality of portions as taught by Hoffman in order to provide a larger diaper changing station. Taniguchi fails to disclose the changing mat removably coupled to the bag member. Hoffman discloses the changing mat removably coupled to the bag member (col. 4 lines 36-44). It would have been obvious to one having ordinary skill in the art at the time of the invention to have the mat of Taniguchi removably coupled to the bag as taught by Hoffman in order to easily clean the mat.

Claim 12, wherein the bag member includes a storage compartment 8 coupled to the outer surface (Taniguchi).

Claim 13, Taniguchi fails to disclose the bag member including a substantially rectangular member having first and second side panels, opposing end panels, and a bottom panel. Hoffman discloses a bag member 10 including a substantially rectangular member having first and second side panels, opposing end panels, and a bottom panel (col. 2 lines 62-65). It would have been obvious to one having ordinary skill in the art at the time of the invention to employ a bag member including a substantially rectangular member as taught by Hoffman in order to provide a backpack.

Claims 14, Taniguchi fails to disclose the changing mat removably coupled to the bag member. Hoffman discloses the changing mat removably coupled to the bag member (col. 4 lines 36-44). It would have been obvious to one having ordinary skill in the art at the time of the invention to have the mat of Taniguchi removably coupled to the bag as taught by Hoffman in order to easily clean the mat. Taniguchi discloses the claimed invention except for using a zipper. It would have been an obvious to employ a zipper, since Applicant has not disclosed that a zipper is critical and it would appear that the fastener taught by Hoffman of would perform equally well.

Claims 15-16, Taniguchi fails to disclose the changing mat including an inner layer of padding material/pillow member substantially surrounded by an outer, durable layer. Hoffman discloses the changing mat including an inner layer of padding material substantially surrounded by an outer, durable layer (col. 2 lines 15-18). It would have been obvious to one having ordinary skill in the art at the time of the invention to employ a changing mat as taught by Hoffman with the changing assembly of Taniguchi in order to provide a comfortable changing pad.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 4,068,786 to Taniguchi in view of U.S. Pat. No. 5,649,658 to Hoffman, and U.S. Pat. No. Des. 378,953 to Pavlik.

With regards to claim 7, Taniguchi discloses all of the Applicant's claimed limitations except for the changing mat having a tri-panel. Pavlik illustrates a bag having a tri-panel mat (fig. 2-3). It would have been obvious to employ a tri-panel mat as illustrated by Pavlik in order to provide an alternate design for the mat.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fredrick C Conley whose telephone number is 308-7468. The examiner can normally be reached on m-th m-fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Shackelford can be reached on 308-2978. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

FC



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PRIMARY EXAMINER